

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB No 0930-0222

FFY 2009

State: Kentucky



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
www.samhsa.gov

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INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project; 1 Choke Cherry Road, 7th Floor Rockville, Maryland 20857.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 10-31-2010.

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2008 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2009 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State Programs at (240) 276-2413 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided in the FY 2009 Uniform Application, Appendix A. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at (240) 276-1422.

Where and when to submit the Synar report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2008. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

The State must upload one copy of the report using the online Web BGAS (Block Grant Application System). States that use the Synar Survey Estimation System (SSES) must also upload one copy of SSES Tables 1-5 (in Excel) to Web BGAS. States that do not use SSES must upload one copy of ASR Forms 1, 4 and 5, and Forms 2 and 3, if applicable, (in Excel format) to Web BGAS. Instructions on how to access the Web BGAS system are included in the attached cover letter.

Additionally, the State must submit one signed original of the report (including the signed Funding Agreements/Certifications), as well as one additional copy of the signed Funding Agreements/Certifications, to the Grants Management Officer at the address below:

Ms. Barbara Orlando
Grants Management Officer
Office of Program Services
Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Rm.7-1091
Rockville, Maryland 20850

FFY 2009: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT

42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.

SYNAR SURVEY SAMPLING METHODOLOGY

The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2009 is up-to-date and approved by the Center for Substance Abuse Prevention.

SYNAR SURVEY INSPECTION PROTOCOL

The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2009 is up-to-date and approved by the Center for Substance Abuse Prevention.

State:

Name of Chief Executive Officer or Designee:

Signature of CEO or Designee:

Title:

Date Signed:

If signed by a designee, a copy of the designation must be attached.

SECTION I: FFY 2008 (Compliance Progress)

YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year (see 42 U.S.C. 300x-26).**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

If Yes, current minimum age: ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? ☐ Yes ☒ No**

If Yes, indicate change. (Check all that apply.)

- ☐ Changed to require that law enforcement conduct inspections of tobacco outlets
☐ Changed to make it illegal for youth to possess, purchase or receive tobacco
☐ Changed to require ID to purchase tobacco
☐ Other change(s) (Please describe.) _____

- c. Have there been any changes in the law concerning *vending machines*?**

☐ Yes ☒ No

If Yes, indicate change. (Check all that apply.)

- ☐ Total ban enacted
☐ Banned from location(s) accessible to youth
☐ Locking device or supervision required
☐ Other change(s) (Please describe.) _____

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sales to minors ☐ Yes ☒ No

- 2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State prior to submission of the ASR. (Check all that apply.)**

☐ Placed on file for public review

☒ Posted on a State agency Web site (Please provide exact Web address.)

<http://mhmr.ky.gov/mhsas/files/SynarReport.pdf>

- ☐ Notice published in a newspaper or newsletter
- ☐ Public hearing
- ☒ Announced in a news release, a press conference, or discussed in a media interview
- ☐ Distributed for review as part of the SAPT Block Grant application process
- ☐ Distributed through the public library system
- ☐ Published in an annual register
- ☐ Other change(s) *(Please describe.)* _____

3. Identify the following agency or agencies *(see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).*

a. The State agency(ies) designated by the Governor for oversight of the Synar requirements:

Department of Mental Health, Developmental Disabilities, and Addiction Services

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

b. The State agency(ies) responsible for conducting random, unannounced Synar inspections:

Office of Alcoholic Beverage Control

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

c. The State agency(ies) responsible for enforcing youth tobacco access law(s):

Office of Alcoholic Beverage Control

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

4. Identify the State agency(ies) responsible for tobacco prevention activities.

Office of Wellness and Physical Activity - Tobacco Prevention and Cessation Program

Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

a. Describe the coordination and collaboration that occur between the agency responsible for tobacco prevention and the agency responsible for oversight of the Synar requirements. (Check all that apply.) The two agencies

- ☐ Are the same
- ☐ Have a formal written memorandum of agreement
- ☒ Have an informal partnership
- ☒ Conduct joint planning activities
- ☐ Combine resources
- ☐ Have other collaborative arrangement(s) *(Please describe.)* _____

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2008 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e)).

a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only.)

- ☐ Enforcement is conducted exclusively by local law enforcement agencies.
- ☒ Enforcement is conducted exclusively by State agency(ies).
- ☐ Enforcement is conducted by both local and State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by **LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES**. Please fill in the number requested. If State law does not provide for tobacco retailer license/permit suspension or revocation, please mark "NA."

PENALTY	OWNERS	CLERKS	TOTAL
Number of <u>citations issued</u>		162	162
Number of <u>fin es assessed</u>		128	128
Number of <u>permits/licenses suspended</u>			N/A
Number of <u>permits/licenses revoked</u>			N/A
Other (Please describe.) Amount of fines assessed - \$13,075.00. Tobacco hearings in January, April, July, October			

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply.)

- ☒ Merchant education and/or training
- ☒ Incentives for merchants who are in compliance (e.g., reward and reminder)
- ☒ Community education regarding youth access laws
- ☒ Media use to publicize compliance inspection results
- ☒ Community mobilization to increase support for retailer compliance with youth access laws
- ☒ Other activities (Please list.) Strategic Prevention Framework State Incentive Grant focus on tobacco

Briefly describe all checked activities:

Merchant education regarding the laws on selling tobacco to minors is primarily conducted by the Regional Prevention Centers (RPCs), local Tobacco Control Coordinators, and tobacco health advocacy groups. The Alert RPC in particular has a Reward and Reminder program that is an example for the rest of the state.

Community education focuses on youth access laws as well as the health effects of tobacco. The Community Norms Toolbox, developed by Substance Abuse Prevention staff, aids communities in assessing the needs of their communities

prior to undertaking initiatives aimed at reducing substance abuse, including tobacco, and contains a survey instrument and a guidebook for assisting communities in administering the surveys. Priority areas for tobacco are the following: i) adult perception of youth use of tobacco products; ii) community attitudes on supporting smoke free environments; and iii) community attitudes on increasing state tax on tobacco products.

Community education generally occurs in public awareness and media efforts, schools, workplaces, and health fairs. For instance, media is used to publicize the statewide annual Synar Buying Survey results. Every year, a press release is issued by the Cabinet for Health and Family Services, which results in several local radio stations and newspapers calling the Substance Abuse Prevention Program with a few questions on the latest non-compliance rate. In addition, RPCs typically publish congratulatory statements about their regional Synar rates when they are low. Community education in schools is delivered via multi-session ATOD curriculum delivery.

Regional Prevention Centers also conduct warning sign campaigns and product advertising/marketing/promotion policy change campaigns, all of which are aimed at youth. The warning sign campaigns seek to increase protective factors and reduce risk factors, e.g. Safe Homes Pledge Drive. An example of an advertising/marketing/promotion policy change campaign would be one in which a community effort is made to get stores to restrict placement of tobacco product advertising to locations which are less likely to be near items of interest to children.

Community mobilization is addressed by the 56 local health departments (LHDs), the RPC-supported and local Champions groups. Each of the LHDs has a full- or part-time Tobacco Control Coordinator whose function is to form coalitions and build partnerships to plan and implement tobacco prevention activities in the LHD service area. The Champions groups implement efforts to develop youth and community leadership for advocacy and involvement in environmental strategies.

Regarding smoke-free ordinances, 16 cities and counties have smoke-free laws or regulations as of 2008. Although Lexington became smoke-free on July 1, 2003, its ordinance, a 100% smoke-free enclosed public place law, is not one of the seven most comprehensive ordinances or regulations. The seven most comprehensive ordinances or regulations also include 100% smoke-free workplaces. (Reference: Kentucky Center for Smoke-Free Policy www.mc.uky.edu/tobaccopolicy)

Owsley County, recipient of funds from the Strategic Prevention Framework State Incentive Grant, focuses on tobacco. Status of the objectives for this grantee are the following:

- Increase age of first use of tobacco products-ongoing
- Increase school tobacco policy enforcement-policy change for Owsley Middle School and Owsley High School
- Decrease tobacco use rate on school property by high school students-ongoing
- Decrease past 30 day and past year tobacco use among youth-ongoing-Fall 2008 KIP Survey data will indicate whether this objective has been met
- Reduce tobacco availability perception by youth-ongoing-Fall 2008 KIP Survey data will indicate whether this objective has been met
- Increase tobacco use disapproval among adults-May 2009 Community Norms Survey and Political Leader Survey will indicate whether this objective has been met
- Increase reports of adult quit tobacco attempts-92 quit attempts-This number will hopefully increase
- Decrease past 30 day use of tobacco by adults-ongoing-May 2009 Community Norms Survey and Political Leader Survey will indicate whether this objective has been met
- Increase disapproval of tobacco use by pregnant women-Monitoring of Baby and Me Tobacco-Free Program used by local health department will indicate whether this objective has been met
- Decrease rate of women who report smoking while pregnant-Monitoring of Baby and Me Tobacco-Free Program used by local health department will indicate whether this objective has been met

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d. Are citations or warnings issued to retailers or clerks who sell tobacco to minors for inspections that are part of the Synar survey? ☒ Yes ☐ No

If "Yes" to 5d, please describe the State's procedure for minimizing risk of bias to the survey results:

<p>The procedure that ABC uses to issue citations or warnings to clerks who sell tobacco has remained the following: If asked for identification, the minor investigative aide says, "I do not have one." If asked for age, he/she is to tell the truth. If a sale is made, the aide takes the cigarettes to the car with the waiting officer, and the officer who is in the store issues a civil citation to the clerk, which consists of a fine. If no sale has been made, the teen says, "Thank you," and leaves. Immediately after the inspection, the inspection form is completed, and the investigative aide and officers drive to the next assigned outlet. At no time during this transaction is the retailer alerted. This serves three purposes. First, the identity of the clerk is protected, as the retailer is not notified about the sale until much later. Second, the minor investigative aide is protected, as an irate retailer may wish to</p>

retaliate against what he/she considers a “sting.” Third and most relevant to this question, the risk of area stores being alerted to the survey by a quick telephone call is reduced.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2008 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

6. Has the sampling methodology changed from the previous year? ☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.

7. Please answer the following questions regarding the State’s annual random, unannounced inspections of tobacco outlets (see 45 C.F.R. 96.130(d)(2)).

- a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data? ☒ Yes ☐ No

If Yes, attach SSES summary tables 1, 2, 3, 4 and 5 along with the ASR submission and go to Question 8. If No, continue to Question 7b.

- b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.

Unweighted RVR _____

Weighted RVR _____

Standard error (s.e.) of the (weighted) RVR _____

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.

_____ + (1.645 × _____) = _____
RVR Estimate plus (1.645 times Standard Error) equals Right Limit

- c. Fill out Form 1 in Appendix A (Forms). (Required regardless of the sample design.)

- d. How were the (weighted) RVR estimate and its standard error obtained? (Check the one that applies.)

☐ Form 2 (Optional) in Appendix A (Forms) (Attach completed Form 2.)

☐ Other (Please specify. Provide formulae and calculations or attach and explain the program code and output with description of all variable names.)

- e. If stratification was used, did any strata in the sample contain only one outlet or cluster this year? ☐ Yes ☐ No ☐ No stratification

If Yes, explain how this situation was dealt with in variance estimation.

f. Was a cluster sample design used? ☐ Yes ☐ No

If Yes, fill out and attach Form 3 in Appendix A (Forms 1–5), and answer the following question.

If No, go to Question 7g.

Were any certainty primary sampling units selected this year? ☐ Yes ☐ No

If Yes, explain how the certainty clusters were dealt with in variance estimation.

g. Report the following outlet sample sizes for the Synar survey.

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

h. Fill out Form 4 in Appendix A (Forms 1–5).

8. Did the State’s Synar survey use a list frame? ☒ Yes ☐ No

If Yes, answer the following questions about its coverage.

a. The calendar year of the latest frame coverage study: 2007

b. Percent coverage from the latest frame coverage study: 82%

c. Was a new study conducted in this reporting period? ☐ Yes ☒ No

If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.

d. The calendar year of the next coverage study planned: 2010

9. Has the Synar survey inspection protocol changed from the previous year?

☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.

a. **Provide the inspection period: From 06-01-08 To 08-15-08**
MM/DD/YY MM/DD/YY

b. **Provide the number of youth inspectors used in the current inspection year:**

27

NOTE: If the State uses SSES, please ensure that the number reported in 9b matches that reported in SSES Table 4, or explain any difference.

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c. **Fill out and attach Form 5 in Appendix A (Forms 1–5).** *(Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data.)*

SECTION II: FFY 2009 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1. In the upcoming year, does the State anticipate any changes in the:

Synar sampling methodology ☐ Yes ☒ No

Synar inspection protocol ☐ Yes ☒ No

If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.

2. Please describe the State's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2009. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

The State plans to maintain and even reduce the low retailer violation rate by continuing its efforts of the past few years. Basically, these efforts can be summarized as follows:

Law enforcement to enforce youth tobacco access laws will be done by the 40 agent enforcement unit of ABC. Occasionally, citations may be issued by state police, but these citations will be handled through the administrative processes of ABC. Regular, year-round ABC retail inspections will include a few for smokeless tobacco, per recommendations from the March, 2004, Synar System Assessment visit. Inspections will be conducted statewide, although since agents also conduct alcohol enforcement activities, the cities and counties in which alcohol is sold may receive somewhat more enforcement attention. Each agent will be expected to conduct ten tobacco enforcement visits per month and follow up on any complaint against a vendor within 30 days. (Selection of an outlet for enforcement is based on the officer's knowledge of his or her assigned area. Targeted inspections are based on complaints reported by the public to ABC and reinvestigating violators.) Fines for selling to minors will continue to be a minimum of \$100 for a first time offense, and a minimum of \$500 for a second offense. Agents will use a standard protocol for conducting tobacco inspections utilizing an underage investigative aide. Training for the aides and the enforcement agents will be ABC's responsibility.

Community efforts to change smoking policies will support the State's law enforcement efforts. For example, several public buildings and retail establishments throughout the State have already adopted a "No Smoking" policy, thanks to the efforts of coalitions, LHDs, and RPCs.

The Strategic Prevention Framework State Incentive Grant (the Commonwealth Alliance for Substance Abuse Prevention) will enable Kentucky to address tobacco prevention in other ways. For instance, the needs and resources for tobacco prevention, as well as capacity, have been assessed by county-level. The Substance Abuse Prevention Program will direct allocations based upon planning with the Tobacco Prevention and Cessation Program in the

Office of Wellness and Physical Activity. A guidance document on best practices will be produced in conjunction with the Tobacco Prevention and Cessation Program. Due to the efforts of the Commonwealth Alliance for Substance Abuse Prevention, Owsley County now has a project demonstrating the effectiveness of a comprehensive tobacco prevention approach. The Owsley County Alliance for Tobacco Prevention (Owsley County Alliance) was identified as the county of greatest need for tobacco-related health consequences in the state of Kentucky. The Owsley County Alliance is currently utilizing the Strategic Prevention Framework planning model to fill local data gaps, build capacity to address needs, develop a county-wide strategic plan, implement evidence-based tobacco prevention programs and strategies, and develop a plan to evaluate effectiveness of their prevention efforts. The Owsley County Alliance receives training and technical assistance regularly from a Certified Prevention Professional who has been trained extensively on the Strategic Prevention Framework process. State prevention staff and the state evaluator monitor the progress of the Owsley County Alliance through quarterly site visits, reports and an end of the year evaluation report. Success of the Owsley County Alliance initiative will be gauged by such measures as:

- increased perception of risk of tobacco use by adults
- increased enforcement of tobacco policies
- decreased percentage of illegal tobacco sales to minors
- decreased 30 day use of cigarettes by youth, adults and pregnant women
- increased number of adults participating in smoking cessation programs

The Tobacco Environmental Strategies Prevention Enhancement Site will continue to be very active in its efforts to build capacity to implement policy and other environmental approaches. Its intent has been to increase the involvement of substance abuse prevention entities that have been less involved in tobacco use prevention efforts.

No changes in youth tobacco access legislation or regulation in the State are anticipated for the following year.

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3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply.)

- ☒ Limited resources for law enforcement of youth access laws
- ☒ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☐ Limitations in the State youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☒ Difficulties recruiting youth inspectors

- ☒ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☐ Issues regarding sources of tobacco under tribal jurisdiction
- ☐ Other challenges (*Please list.*) _____

Briefly describe all checked challenges and propose a plan for each, or indicate the State's need for TA related to each relevant challenge.

Kentucky faces the same persistent challenges in complying with the Synar regulation. For example, tobacco inspections must compete with the alcohol inspections that ABC officers must conduct. Within the Synar Buying Survey timeframe, the officers do not conduct regular tobacco inspections, but devote their time entirely to Synar. Limited resources, i.e. money, dictate the amount of activities that can be funded. Furthermore, with the funding period of the Commonwealth Alliance for Substance Abuse Prevention grant coming to an end, additional federal funds that have been provided to devote specifically to tobacco prevention will be ending.

Additional challenges are the State's not requiring tobacco licensing for tobacco vendors and issues surrounding inspections. The fact that the State has no tobacco vendor licensing necessitates the State's having to purchase a commercial list of vendors. Although the list—purchased from Dun & Bradstreet—is very accurate (it has a 98% deliverability rate), it must still be “cleaned” yearly due to some vendors having gone out of business, having moved, etc.

Inspection issues include the fact that recruitment of investigative aides, or youth inspectors, must compete with other part-time jobs and school. Also, rural route addresses are especially problematic for ABC when making Synar inspections. As stated above, each agent conducts ten regular enforcement visits per month throughout the year, based upon his/her knowledge of the assigned area. However, Synar inspection sites are randomly chosen, and unknown or unfamiliar outlets may appear on the list which necessitates much more time and effort being spent per inspection.

It seems prudent to increase the amount of money paid to ABC for conducting the Synar Survey, as the amount has stayed the same for several years. However, ABC is paid from General Funds, and there are restrictions on increasing State General Fund expenditures.

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APPENDIX A: FORMS 1–5

FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 1 to report sampling frame and sample information and to calculate the unweighted retailer violation rate using results from the current year's Synar survey inspections.

Instructions for Completing Form 1: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009). Provide the remaining information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: *If stratification was used:*

1(a) Sequentially number each row.

1(b) Write in the name of each stratum. All strata in the State must be listed.

If no stratification was used:

1(a) Leave blank.

1(b) Write "State" in the first row (indicates that the whole state is a single stratum).

Note for unstratified samples: for columns 2-5, wherever the instruction refers to "each stratum," report the specified information for the State as a whole.

Column 2: 2(a) Report the number of over-the-counter (OTC) outlets in the sampling frame in each stratum.
2(b) Report the number of vending machine (VM) outlets in the sampling frame in each stratum.
2(c) Report the combined total of OTC and VM outlets in the sampling frame in each stratum.

Column 3: 3(a) Report the estimated number of eligible OTC outlets in the OTC outlet population in each stratum.
3(b) Report the estimated number of eligible VM outlets in the VM outlet population in each stratum.
3(c) Report the combined total estimated number of eligible OTC and VM outlets in the total outlet population in each stratum.

The estimates for Column 3 can be obtained from the Synar survey sample as the weighted sum of eligible outlets by outlet type.

Column 4: 4(a) Report the number of eligible OTC outlets for which an inspection was completed, for each stratum.
4(b) Report the numbers of eligible VM outlets for which an inspection was completed, for each stratum.
4(c) Report the combined total of eligible OTC and VM outlets for which an inspection was completed, for each stratum.

Column 5: 5(a) Report the number of OTC outlets found in violation of the law as a result of completed inspections, for each stratum.
5(b) Report the number of VM outlets found in violation of the law as a result of completed inspections, for each stratum.
5(c) Report the combined total of OTC and VM outlets found in violation of the law as a result of completed inspections, for each stratum.

Totals: For each sub-column (a-c) in Columns 2-5, provide totals for the State as a whole in the last row of the table. These numbers will be the sum of the numbers in each row for the respective column.

FORM 1 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data.)

[illegible]

RECORD COLUMN TOTALS ON LAST LINE (LAST PAGE ONLY IF MULTIPLE PAGES ARE NEEDED).

FORM 2 (Optional)**Appropriate for stratified simple or systematic random sampling designs.**

Complete Form 2 to calculate the weighted RVR. This table (in Excel form) is designed to calculate the weighted RVR for stratified simple or systematic random sampling designs, accounting for ineligible outlets and non-complete inspections encountered during the annual Synar survey.

Instructions for Completing Form 2: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009).

- Column 1: Write in the name of each stratum into which the sample was divided. These should match the strata reported in Column 1(b) of Form 1.
- Column 2: Report the number of outlets in the sampling frame in each stratum. These numbers should match the numbers reported for the respective strata in Column 2(c) of Form 1.
- Column 3: Report the original sample size (the number of outlets originally selected, including substitutes or replacements) for each stratum.
- Column 4: Report the number of sample outlets in each stratum that were found to be eligible during the inspections. Note that this number must be less than or equal to the number reported in Column 3 for the respective strata.
- Column 5: Report the number of eligible outlets in each stratum for which an inspection was completed. Note that this number must be less than or equal to the number reported in Column 4. These numbers should match the numbers reported in Column 4(c) of Form 1 for the respective strata.
- Column 6: Report the number of eligible outlets inspected in each stratum that were found in violation. These numbers should match the numbers reported in Column 5(c) of Form 1 for the stratum.
- Column 7: Form 2 (in Excel form) will automatically calculate the stratum RVR for each stratum in this column. This is calculated by dividing the number of inspected eligible outlets found in violation (Column 6) by the number of inspected eligible outlets (Column 5). The State unweighted RVR will be shown in the Total row of Column 7.
- Column 8: Form 2 (in Excel form) will automatically calculate the estimated number of eligible outlets in the population for each stratum. This calculation is made by multiplying the number of outlets in the sampling frame (Column 2) times the number of eligible outlets (Column 4) divided by the original sample size (Column 3). Note that these numbers will be less than or equal to the numbers in Column 2.
- Column 9: Form 2 (in Excel form) will automatically calculate the relative stratum weight by dividing the estimated number of eligible outlets in the population for each stratum in Column 8 by the Total of the values in Column 8.
- Column 10: Form 2 (in Excel form) will automatically calculate each stratum's contribution to the State weighted RVR by multiplying the stratum RVR (Column 7) by the relative stratum weight (Column 9). The weighted RVR for the State will be shown in the Total row of Column 10.
- Column 11: Form 2 (in Excel form) automatically calculates the standard error of each stratum's RVR (Column 7). The standard error for the State weighted RVR will be shown in the Total row of Column 11.
- TOTAL: For Columns 2-6, Form 2 (in Excel form) provides totals for the State as a whole in the last row of the table. For Columns 7-11, it calculates the respective statistic for the State as a whole.

FORM 2 (Optional) Appropriate for stratified simple or systematic random sampling designs.

Calculation of Weighted Retailer Violation Rate										
										State: _____
										FFY: 2009
(1) Stratum Name	(2) N Number of Outlets in Sampling Frame	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) p=x/n2 Stratum Retailer Violation Rate	(8) N'=N(n1/n) Estimated Number of Eligible Outlets in Population	(9) w=N'/Total Column 8 Relative Stratum Weight	(10) pw Stratum Contribution to State Weighted RVR	(11) s.e. Standard Error of Stratum RVR
Total										

- N - number of outlets in sampling frame
- n - original sample size (number of outlets in the original sample)
- n1 - number of sample outlets that were found to be eligible
- n2 - number of eligible outlets that were inspected
- x - number of inspected outlets that were found in violation
- p - stratum retailer violation rate ($p=x/n2$)
- N' - estimated number of eligible outlets in population ($N'=N*n1/n$)
- w - relative stratum weight ($w=N'/\text{Total Column 8}$)
- pw - stratum contribution to the weighted retailer violation rate
- s.e. - standard error of the stratum RVR

FORM 3 (Required when a cluster design is used for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar survey data.)

Complete Form 3 to report information about primary sampling units when a cluster design was used for the Synar survey.

Instructions for Completing Form 3: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009).

Provide information by stratum if stratification was used. Make copies of the form if additional rows are needed to list all the strata.

Column 1: Sequentially number each row.

Column 2: *If stratification was used:* Write in the name of stratum. All strata in the State must be listed.

If no stratification was used: Write “State” in the first row to indicate that the whole state constitutes a single stratum.

Column 3: Report the number of primary sampling units (PSUs) (i.e., first-stage clusters) created for each stratum.

Column 4: Report the number of PSUs selected in the original sample for each stratum.

Column 5: Report the number of PSUs in the final sample for each stratum.

TOTALS: For Columns 3-5, provide totals for the State as a whole in the last row of the table.

Summary of Clusters Created and Sampled				
				State: _____
				FFY: 2009
(1) Row #	(2) Stratum Name	(3) Number of PSUs Created	(4) Number of PSUs Selected	(5) Number of PSUs in the Final Sample
Total				

FORM 4 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar Survey data)

Complete Form 4 to provide detailed tallies of ineligible sample outlets by reasons for ineligibility and detailed tallies of eligible sample outlets with noncomplete inspections by reasons for noncompletion.

Instructions for Completing Form 4:

In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009).

Column 1(a): Enter the number of sample outlets found ineligible for inspection by reason for ineligibility. Provide the total number of ineligible outlets in the row marked **“Total.”**

Column 2(a): Enter the number of eligible sample outlets with noncomplete inspections by reason for noncompletion. Provide the total number of eligible outlets with noncomplete inspections in the row marked **“Total.”**

Inspection Tallies by Reason of Ineligibility or Noncompletion			
		State: _____	
		FFY: 2009	
(1) INELIGIBLE		(2) ELIGIBLE	
Reason for Ineligibility	(a) Counts	Reason for Noncompletion	(a) Counts
Out of business		In operation but closed at time of visit	
Does not sell tobacco products		Unsafe to access	
Inaccessible by youth		Presence of police	
Private club or private residence		Youth inspector knows salesperson	
Temporary closure		Moved to new location	
Unlocatable		Drive thru only/youth inspector has no driver's license	
Wholesale only/Carton sale only		Tobacco out of stock	
Vending machine broken		Run out of time	
Duplicate		Other noncompletion reason(s) (<i>Describe.</i>)	
Other ineligibility reason(s) (<i>Describe.</i>)			
Total		Total	

FORM 5 (Required for all States not using the Synar Survey Estimation System (SSES) to analyze the Synar survey data)

Complete Form 5 to show the distribution of outlet inspection results by age and gender of the youth inspectors.

Instructions for Completing Form 5: In the top right hand corner of the form, provide the State name and reporting Federal fiscal year (FFY 2009).

Column 1: Enter the number of attempted buys by youth inspector age and gender.

Column 2: Enter the number of successful buys by youth inspector age and gender.

If the inspectors are age eligible but the gender of the inspector is unknown, include those inspections in the "OTHER" row. Calculate subtotals for males and females in rows marked SUBTOTALS. Sum SUBTOTALS for male, female, and OTHER and record in the bottom row marked TOTAL. Verify that that the TOTAL of attempted buys and successful buys equal the total for Column 4(c) and Column 5(c), respectively, on Form 1. If the totals do not match, please explain any discrepancies.

Synar Survey Inspector Characteristics		
		State: _____
		FFY: 2009
	(1) Attempted Buys	(2) Successful Buys
Male		
15 years		
16 years		
17 years		KY
18 years		
Male Subtotal		
Female		
15 years		
16 years		
17 years		
18 years		
Female Subtotal		
Other		
Total		

APPENDICES B & C: FORMS

Instructions

Appendix B (Sampling Design) and Appendix C (Inspection Protocol) are to reflect the State's CSAP-approved sampling design and inspection protocol. These appendices, therefore, should generally describe the design and protocol and are not to be modified with year-specific information. Please note that any changes to either appendix must receive CSAP's advance written approval. To facilitate the State's completion of this section, simply "cut and paste" the previously approved sampling design (Appendix B) and inspection protocol (Appendix C).

APPENDIX B: SYNAR SURVEY SAMPLING METHODOLOGY

State: KY
FFY: 2009

1. What type of sampling frame is used?

- ☒ List frame (*Go to Question 2.*)
☐ Area frame (*Go to Question 3.*)
☐ List-assisted area frame (*Go to Question 2.*)

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4.)

Use the corresponding number to indicate Type of Source in the table below.

- | | |
|---|--|
| 1 – Statewide commercial business list | 4 – Statewide retail license/permit list |
| 2 – Local commercial business list | 5 – Statewide liquor license/permit list |
| 3 – Statewide tobacco license/permit list | 6 – Other |

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Dun and Bradstreet business list	1	Commercial list generated for REACH of Louisville Inc., purchased each year prior to drawing the sample.	Continual update throughout the year. List is examined to identify potentially ineligible outlets, known not selling tobacco. Telephone calls are made to confirm if the identified outlet does sell or does not sell tobacco. List is also examined for completeness and accuracy of addresses and telephone calls were made to confirm whether or not tobacco products are sold or not and to obtain better information on the physical location of the outlet. Data from previous year's field report are merged to the newest database so that information can be updated and outlets known to be out of business or duplicate corporate names are eliminated. ABC officers update addresses and other information based on personal knowledge of the area and/or Synar inspections. Discrepant information is confirmed through telephone directories and through phone calls.

3. If an area frame is used, describe how area sampling units are defined and formed.

--

- a. Is any area left out in the formation of the area frame? ☐ Yes ☐ No

If Yes, what percentage of the State's population is not covered by the area frame?
_____ %

4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey? ☒ Yes ☐ No

If No, please indicate the reason they are not included in the Synar survey.

- ☐ State law bans vending machines
☐ State law bans vending machines from locations accessible to youth
☐ State has SAMHSA approval to exempt vending machines from the survey
☐ Other (Please describe.) _____

5. Which category below best describes the sample design? (Check only one.)

- ☐ **Census** (STOP HERE: Appendix B is complete.)

Unstratified State-wide sample:

- ☐ Simple random sample (Go to Question 9.)
☐ Systematic random sample (Go to Question 6.)
☐ Single-stage cluster sample (Go to Question 8.)
☐ Multi-stage cluster sample (Go to Question 8.)

Stratified sample:

- ☒ Simple random sample (Go to Question 7.)
☐ Systematic random sample (Go to Question 6.)
☐ Single-stage cluster sample (Go to Question 7.)
☐ Multi-stage cluster sample (Go to Question 7.)
☐ **Other** (Please describe and go to Question 9.) _____

6. Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)

--

7. Provide the following information about stratification.

- a. Provide a full description of the strata that are created.

Outlets were stratified by 17 state mental health district strata (over the counter or OTC) and one vending machine stratum, for a total of 18 strata. A minimum sample of 50 outlets was sought for each OTC stratum.
--

- b. Is clustering used within the stratified sample?

☐ Yes (Go to Question 8.)

☒ **No** (Go to Question 9.)

8. Provide the following information about clustering.

- a. Provide a full description of how clusters are formed.** (If multi-stage clusters are used, give definitions of clusters at each stage.)

- b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.**

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

The SSES Sample Size Calculator was used to determine the minimum adequate sample size. To ensure the study meets SAMHSA's precision requirement, a safety margin of 250% was used.

The effective sample size and target sample size are calculated before the samples are drawn, using the SSES formula.

Below is the formula for calculating a sample size using a 1-tail test:

Effective sample size:

$$n_e = \frac{1}{\left(\frac{(s.e.)^2}{P(1-P)} + \frac{1}{N} \right)}.$$

where P is the expected violation rate, which is the previous year's RVR,
s.e is the standard error of the estimate for 3% margin of error for a one-sided confidence interval

N is the total number of outlets in the sampling frame.

The target sample size (n_t) is the same as the effective sample size times the design effect (design effect from the previous year's sample) for simple random sampling.

The original sample size is determined by:

$$n_o = (1 + s) \frac{n_t}{r_l r_c},$$

where s is a safety margin, r_l is the expected eligibility rate, and r_c is the expected completion rate (used eligibility and completion rates from last year's survey).

APPENDIX C: SYNAR SURVEY INSPECTION PROTOCOL

State: KY

FFY: 2009

Note: Attach a copy of the inspection form and protocol used to record the inspection result.

1. How does the State Synar survey protocol address the following?

a. Consummated buy attempts?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

b. Youth inspectors to carry ID?

- | | |
|--|---|
| <input type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input checked="" type="checkbox"/> Not specified in protocol |

c. Adult inspectors to enter the outlet?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

d. Youth inspectors to be compensated?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

2. Identify the agency(ies) or entity(ies) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply.)

- ☒ Law enforcement agency(ies)
☐ State or local government agency(ies) other than law enforcement
☐ Private contractor(s)
☐ Other

List the agency name(s): Office of Alcoholic Beverage Control

3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?

- ☒ Always ☐ Usually ☐ Sometimes ☐ Rarely ☐ Never

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

ABC recruits youth aged 15-17 years old from youth groups and school organizations. Local health departments and RPCs assist in recruitment. Youth who are interested in becoming an Investigative Aide (IA) complete an application and forward it to ABC, where it is reviewed for approval and processed by ABC legal staff. If approved, he/she is scheduled for training with the program coordinator and an ABC Investigator. The youth and their parents sign a permission form. Each of the IAs is contacted by telephone and given the dates of the survey to determine availability to work. From this list, the teens are assigned to a district close to home. However, they do not complete inspections in the county where they reside.

The Investigative Aides are trained by two investigators, according to the buying protocol. The Office of Alcoholic Beverage Control does not use any IAs who look older than 17 years of age.

Supervisors are ABC Investigators who have met standard criteria for law enforcement officers. Each spring the investigators meet with the Synar Coordinator and REACH of Louisville, Inc., for review of the CSAP requirements for the Synar Survey.

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5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

a. Legal ☒ **Yes** ☐ **No** *(If Yes, please describe.)*

Kentucky Revised Statute (KRS) 438.330 (1) states that inspections shall be conducted to enforce KRS 438.305 to 438.440. Youth may be used in these inspections if they are conducted under the direct supervision of ABC, the sheriff, or the chief of police, and written consent has been obtained from the parent(s). Otherwise, KRS 438.311 (1) states, "it shall be unlawful for a person who has not attained the age of eighteen (18) years to purchase...a tobacco product."

b. Procedural ☐ **Yes** ☒ **No** *(If Yes, please describe.)*

--

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?

a. Legal ☐ **Yes** ☒ **No** *(If Yes, please describe.)*

--

b. Procedural ☒ **Yes** ☐ **No** *(If Yes, please describe.)*

Teens must complete inspections during daylight hours. They must wear seat belts at all times while riding with investigators. Adults must observe child labor laws at all times, and will watch for teens becoming too tired or hungry. Investigative aides will never enter a business that either they or the investigator perceive as unsafe.

They are never taken into any bars or liquor stores. Safety of the teens is the number one priority.

7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?

a. Legal ☒ **Yes** ☐ **No** *(If Yes, please describe.)*

KRS 438.330 (1) states that assurance is needed that inspections shall be conducted at retail outlets where, and when, youth under 18 frequently buy tobacco products.

b. Procedural ☒ **Yes** ☐ **No** *(If Yes, please describe.)*

The minor must be between 15 and 17 years old. The teen must be trained by the program coordinator or by an ABC investigator. Two adult investigators will be with the teens at all times. The teen is not allowed to drive. The adult investigator will pick up the IA. Teens must complete inspections during daylight hours. The IAs are instructed to dress casually, look their age, and wear no makeup. Boys may not have facial hair. Girls are only permitted to wear light, neutral makeup. Teens will not complete tobacco inspections in their home county, unless it is Jefferson or Fayette county, where they will not be working in their neighborhoods close to where they live. Teens are asked not to discuss the survey with anyone except their parents.

APPENDIX D: LIST SAMPLING FRAME COVERAGE STUDY

(LIST FRAME ONLY)

State: KY
FFY: 2009

1. Calendar year of the coverage study: _____

2. Percent coverage found: _____%

(Provide calculation of the percent coverage.)

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3. Provide a description of the coverage study methods and results.

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